

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE: CHAVON YVETTE NEWMON)	CHAPTER 13
Debtor,)	
)	CASE NO. 17-68496-pmb
<hr style="border-top: 1px dashed black;"/>		
OCEAN TOWNVIEW STATION, LLC D/B/A)	
ATLANTIC LORING HEIGHTS APARTMENTS,)	
)	
Movant,)	
vs.)	<u>CONTESTED MATTER</u>
)	
CHAVON YVETTE NEWMON AND)	
MELISSA J. DAVEY, CHAPTER 13 TRUSTEE,)	
)	
Respondents,)	

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that on November 28, 2017, Madison at River Sound, LLC, d/b/a Madison at River Sound Apartments has filed a Motion for Relief from Automatic Stay with the court seeking an order granting relief from the automatic stay in the above-styled case. **A hearing on the Motion will be held on the 19th day of December 2017 at 1:30 p.m., in Courtroom 1202, United States Courthouse, 75 Ted Turner Drive, SW, Atlanta, Georgia.**

Your rights may be affected by the court's ruling on these pleadings. You should read these pleadings carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.) If you do not want the court to grant the relief sought in these pleadings or if you want the court to consider your views, then you and/or your attorney must attend the hearing. You may also file a written response to the pleading with the Clerk at the address stated below, but you are not required to do so. If you file a written response, you must attach a certificate stating when, how and on whom (including addresses) you served the response. Mail or deliver your response so that it is received by the

Clerk at least two business days before the hearing. The address of the Clerk's Office is Clerk, U.S. Bankruptcy Court, Suite 1340, 75 Ted Turner Drive, Atlanta, Georgia 30303. You must also mail a copy of your response to the undersigned at the address stated below.

In the event a hearing cannot be held within thirty (30) days from the date of filing of the Motion for Relief from the Automatic Stay as required by 11 USC Section 362, Movant by and through counsel waives the requirement for holding a preliminary hearing within thirty (30) days of filing the motion and agrees to a hearing on the earliest possible date. Movant consents to the automatic stay remaining in effect until the Court orders otherwise..

At Atlanta, Georgia, this 28th day of November, 2017.

ORDER PRESENTED BY:

/s/ David R. Passino

David R. Passino

State Bar No. 565848

11180 State Bridge Road, Suite 301

Alpharetta, GA 30022

770-783-2219

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE: CHAVON YVETTE NEWMON)	CHAPTER 13
Debtor,)	
)	CASE NO. 17-68496-pmb
<hr style="border-top: 1px dashed black;"/>		
OCEAN TOWNVIEW STATION, LLC D/B/A)	
ATLANTIC LORING HEIGHTS APARTMENTS,)	
)	
Movant,)	
vs.)	<u>CONTESTED MATTER</u>
)	
CHAVON YVETTE NEWMON AND)	
MELISSA J. DAVEY, CHAPTER 13 TRUSTEE,)	
)	
Respondents,)	

MOTION FOR RELIEF FROM AUTOMATIC STAY

COMES NOW Ocean Townview Station, LLC, d/b/a Atlantic Loring Heights Apartments by and through counsel, and hereby moves the Court as follows:

1.

This Court has jurisdiction over this contested matter pursuant to 28 USC §1471 and 11 USC §362 and 363.

2.

The Debtor filed a petition under Chapter 13 of the Bankruptcy Code on October 23, 2017.

3.

Movant is the lessor of the premises where the Debtor resides located at 1475 Mecaslin Street, NW, Apartment 7311, Atlanta, GA 30309.

4.

Debtor leased said property from Movant under a written lease agreement dated March 9, 2017 for a term commencing April 24, 2017 and ending April 20, 2018. Debtor's monthly rent is

\$1027.00 which is due on the 1st day of each month and late after the 3rd day of the month. A late fee of \$175.00 is due after the 3rd day of the month.

5.

The Debtor owes \$1396.70 for pre-petition rent and utilities for the month of October and \$1202.00 for post-petition rent and late fees for the month of November, 2017.

6.

This Bankruptcy Petition stays Movant from proceeding against Debtor for non-payment of rent and movant is not adequately protected as required by the Bankruptcy Code.

7.

Debtor has a mere possessory interest in the property and has failed to cure post-petition rent arrearages.

8.

By reason of the foregoing, continuation of the automatic stay of 11 USC 362(a) which may or may not be in effect will work real and irreparable harm to Movant.

9.

Debtor is still in possession of the premises, and Movant is not adequately protected as required under 11 USC 1322(b)(7). Therefore Debtor is required pursuant to 11 USC Section 365(b)(4) to return possession to the lessor

WHEREFORE, Petitioner prays for:

1. An Order terminating the automatic stay to the extent one may exist as to this creditor and authorize Movant to proceed with eviction proceedings in State Court and be authorized to reduce its claim to a judgment;
2. Possession of the premises;
3. A waiver of Bankruptcy Rule 4001(a)(3);

4. Reasonable attorney's fees; and/or
5. Such other and further relief as is just and proper.

This 28th day of November 2017.

/s/ David R. Passino
David R. Passino
Attorney for Movant
State Bar No. 565848

11180 State Bridge Road, Suite 301
Alpharetta, GA 30022
770-783-2219

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE: CHAVON YVETTE NEWMON)	CHAPTER 13
Debtor,)	
)	CASE NO. 17-68496-pmb
<hr style="border-top: 1px dashed black;"/>		
OCEAN TOWNVIEW STATION, LLC D/B/A)	
ATLANTIC LORING HEIGHTS APARTMENTS,)	
)	
Movant,)	
vs.)	<u>CONTESTED MATTER</u>
)	
CHAVON YVETTE NEWMON AND)	
MELISSA J. DAVEY, CHAPTER 13 TRUSTEE,)	
)	
Respondents,)	

CERTIFICATE OF SERVICE

I, DAVID R. PASSINO, of 11180 State Bridge Road, Suite 301, Alpharetta, GA 30022 certify:

That I am at all times hereinafter mentioned was, more than 18 years of age:

That on November 28, 2017 I served a copy of the within NOTICE OF HEARING
together with the MOTION FOR RELIEF FROM STAY filed in this bankruptcy matter on:

Melissa J. Davey
Standing Chapter 13 Trustee
Suite 200
260 Peachtree Street
Atlanta, GA 30303

Chavon Newmon
1475 Mecaslin Street, NW
Apartment 7311
Atlanta, GA 30309

Howard P. Slomka
Slipakoff & Slomka, PC
Overlook III – Suite 1700
2859 Paces Ferry Road, SE
Atlanta, GA 30339

the respondents in this bankruptcy matter by U.S. First Class Mail to said respondents at the above addresses.

I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE
AND CORRECT.

Executed on: November 28, 2017

/s/ David R. Passino
David R. Passino
State Bar No. 565848

11180 State Bridge Road, Suite 301
Alpharetta, GA 30022
770-783-2219